
 <p style="text-align: center;"><b>WEST VIRGINIA DIVISION OF JUVENILE SERVICES</b></p>		<b>POLICY NUMBER:</b> 	<b>PAGES:</b> <p style="text-align: center;">5</p>
<b>CHAPTER:</b> <b>Administration and Management</b>	<b>REFERENCE AND RELATED STANDARDS:</b> <b>WV Code Chapter §§ 49-5-16a and 49-5E-1 et seq.; WV Division of Personnel Policy DOP-P1, <i>Smoking Restrictions in the Workplace</i></b>		
<b>SUBJECT: Tobacco Free Workplace</b>			
<b>DATE: October 1, 2007</b>			

## POLICY

It is the policy of the West Virginia Division of Juvenile Services to establish and maintain a mechanism that ensures an environment free of tobacco, tobacco-like products, and smoke from these products within the buildings and vehicles owned, leased, or operated by the division and to institute designated areas for usage of tobacco/tobacco-like products for its employees and visitors. The division has created this policy in compliance with the West Virginia Division of Personnel Policy DOP-P1, *Smoking Restrictions at the Workplace*, Section III-E.

## CANCELLATION

This policy has been reviewed and supersedes Policy Directive 4.06 dated January 1, 2005.

## APPLICABILITY

This Policy applies to ALL Division of Juvenile Services' Facilities, offices and employees.

## DEFINITIONS

1. **Tobacco/Tobacco-like Products** – Cigarettes, cigars, snuff, loose tobacco, similar goods which are used for smoking, chewing, dipping, sniffing or other personal use, any product that can be used in a like manner as tobacco, i.e. Kreteks/clove cigarettes, mint snuff, or prepared in such manner as to be suitable as a substitute for tobacco for chewing or smoking in a pipe or other tobacco-related devices. The term "tobacco", as used in this policy, shall refer to all of the above products.
2. **Employee** – For the purpose of this policy, includes all persons working within the Division of Juvenile Services including, but not limited to, full time, part time,

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temporary, contracted employees, and education employees.

3. **Visitor** – Includes, but is not limited to, the following persons who enter division property: contractors, vendors, volunteers, visitors of staff and residents, and any other person who is not an employee of the division.

## PROCEDURES

### 1. Responsibilities of the Division Director

- a. It is the responsibility of the Division Director to ensure that all places of employment in the division maintain a tobacco-free environment and to make both employees and the public aware of their responsibility to ensure a tobacco-free environment.
- b. It is the responsibility of the Division Director to ensure that all state buildings and vehicles maintain a tobacco-free environment in accordance with this policy and any properly promulgated local regulations.
- c. The Division Director must prohibit tobacco use in work sites for employees and visitors to limit the exposure of individuals to the harmful effects of secondhand smoke.
- d. The Facility Superintendent/Director must designate tobacco-free areas for staff and visitors in accordance with applicable local regulations.
- e. If a conflict arises between the rights of tobacco users and non-tobacco users, the Facility Superintendent/Director shall protect the health of the general public and employees by minimizing exposure to secondhand smoke.
- f. The Facility Superintendent/Director shall clearly and conspicuously post “**No Tobacco Usage**” signs in accordance with the applicable local regulations at every entrance to buildings or other areas where tobacco is prohibited.
- g. At the expense of each facility, receptacles should be placed outside all buildings to encourage persons to extinguish and to properly dispose of smoking products before entering.
- h. It is the responsibility of the Facility Superintendent/Director to assign a designated area(s) for the secure (lockable) storage of all tobacco products belonging to staff and visiting adults.

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## 2. Staff

- a. Employees who desire to use tobacco may do so during their scheduled or any other authorized break period provided they use an outdoor designated tobacco use area. Employees engaged in out-of-doors work activities are prohibited from using tobacco unless they are in a designated tobacco use area and on an approved break.
- b. Employees who fail to adhere to this policy, and administrative and supervisory staff who fail to enforce it, will be subject to appropriate disciplinary action in accordance with applicable policy.
- c. Employees observing another staff member using tobacco in a building or in an area that is tobacco-free will promptly notify the Shift Commander and complete a confidential Incident Report.
- d. No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment or customer/visitor because such employee, applicant or customer/visitor exercises the right to a smoke-free environment afforded by this regulation.
- e. At no time shall any employee carry such contraband on his/her actual person or conceal it in any carrying bag or clothing while conducting business at and/or in a facility that houses juveniles or any function where juveniles are present.

## 3. Visitors

- a. Visitors will be informed of the tobacco restriction and instructed on the designated tobacco use area.
- b. Visitors not complying with this policy will be asked to leave the facility. Visitation privileges at all facilities may be suspended.

## 4. Smoking Restrictions

- a. Smoking restrictions shall be enforced at all conferences, meetings, and training sessions conducted by the division and shall be consistent with all other provisions of this policy.
- b. All non-division entities using division buildings must comply with this policy.

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- c. No employee shall be required to subject themselves to the exposure of secondhand smoke in conferences or other gatherings that are conducted by organizations outside of state government.
  - d. The employee may ask the person in charge of such meetings to require a smoke-free environment.
  - e. If the person in charge fails to enforce smoking restrictions, the employee may return to his/her regular place of employment.
  - f. The employee is required to report the incident in writing to their supervisor and the individual who scheduled the event, upon his/her return to their facility.
- 5. Support and Assistance: Appointing authorities are encouraged to provide and/or refer employees to smoking cessation programs.
- 6. Related Policies
  - a. This policy does not supersede any state agency policy, local regulations, or federal and state statutes that are more restrictive and applicable to state places of employment. At a minimum, local smoking regulations are to be followed at all division facilities and/or offices.
  - b. West Virginia Code §21-3-19 prohibits employers from discriminating in employment against persons who use tobacco products “off the premises of the employer during non-working hours.”
  - c. Enforcement of this policy in state owned or leased office buildings, facilities, and vehicles is the responsibility of the Facility Superintendent/Director or individual(s) designated by the appointing authority.
  - d. Should the individual in control of the office building or facility impose additional or stricter guidelines, they shall be followed.
  - e. Each facility will have in place an operational policy and procedural plan to ensure the standards and practices of this policy are followed.



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**RIGHTS RESERVED**

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

**APPROVED:**

Dale Humphreys  
**Director**

Oct 1, 2007  
**Date**